

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	<b>PRELIMINARY ORDER OF</b>
- v. -	:	<b>FORFEITURE AS TO</b>
	:	<b><u>SUBSTITUTE ASSETS</u></b>
ILYA KOGAN,	:	
	:	S2 16 Cr. 221 (KPF)
Defendant.	:	
	:	
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WHEREAS, on or about February 14, 2018, ILYA KOGAN (the “Defendant”), and another, was charged in a two-count Superseding Indictment, S2 16 Cr. 221 (RWS) (the “Indictment”), with conspiracy to commit health care fraud, in violation of Title 18, United States Code, Section 1349 (Count One); and health care fraud, in violation of Title 18, United States Code, Section 1347 and 2 (Count Two);

WHEREAS, on or about March 16, 2018, the Defendant pled guilty to Counts One and Two of the Indictment, pursuant to a plea agreement with the Government wherein the Defendant admitted the forfeiture allegation with respect to Counts One and Two of the Indictment and agreed to forfeit, pursuant to Title 18, United States Code, Section 982(a)(7), a sum of money equal to \$1,297,000 in United States currency, representing the amount of proceeds traceable to the commission of the offenses charged in Counts One and Two of the Indictment;

WHEREAS, on or about March 19, 2018, the Court entered a Consent Preliminary Order of Forfeiture/Money Judgment (the “Order of Forfeiture”), imposing a money judgment against the Defendant in the amount of \$1,297,000.00 (the “Money Judgment”), representing the

amount of proceeds traceable to the offenses charged in Counts One and Two of the Indictment that the Defendant personally obtained (D.E. 183);

WHEREAS, to date, the entire Money Judgment against the Defendant remains unpaid;

WHEREAS, as a result of acts and omissions of the Defendant, the Government, despite its exercise of due diligence, has been unable to locate or obtain the remaining proceeds of the offenses charged in Counts One and Two of the Indictment;

WHEREAS, the Government has identified the following specific asset in which the Defendant has an ownership interest:

- a. 124 Stanie Brae Dr., Watchung, New Jersey 07069 recorded as Block 1004, Lot 6 in Somerset County, City of Watchung, State of New Jersey

(the “Substitute Asset”); and

WHEREAS, the Government is seeking the forfeiture of all of the Defendant’s right, title and interest in the Substitute Asset;

NOW IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. All of the Defendant’s right, title and interest in the Substitute Asset is hereby forfeited to the United States of America, for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n).

2. Upon entry of a Final Order of Forfeiture, the Substitute Asset shall be applied towards the satisfaction of the Money Judgment entered against the Defendant.

3. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United

States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Preliminary Order of Forfeiture as to Substitute Assets and provide notice that any person, other than the Defendant in this case, claiming an interest in the Substitute Asset must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

4. The notice referenced in the preceding paragraph shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Substitute Asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the Substitute Asset and any additional facts supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

5. The United States may also, to the extent practicable, provide direct written notice to any person, other than the defendant, known to have an alleged interest in the Substitute Asset, as a substitute for published notice as to those persons so notified.

6. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Substitute Asset, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

7. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture as to Substitute Assets, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

8. The Clerk of the Court shall forward four certified copies of this Preliminary Order of Forfeiture as to Substitute Assets to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York, 10007.

Dated: New York, New York  
January 6, 2021

SO ORDERED:

A handwritten signature in blue ink, reading "Katherine Polk Failla".

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HONORABLE KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE